

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JENNIFER LYNN WATKINS,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:19-cv-00502-SI

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Jennifer Lynn Watkins brought this action seeking review of the Commissioner's final decision denying her application for disability insurance benefits under the Social Security Act. Based on the stipulation of the parties, the Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on February 25, 2020. Upon remand, the Commissioner found Plaintiff entitled to disability benefits beginning April 2015.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of

counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$11,274.75 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney fees in the amount of \$3,745.81 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. However, Plaintiff's attorneys received only \$2,555.46, as the EAJA award was partially garnished to pay Plaintiff's debts to the government. Consequently, when issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract \$2,555.46 for the EAJA fees received by Plaintiff's attorneys, and to send the balance of \$\$8,719.29, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 27th day of August 2021.

/s/ Michael H. Simon
MICHAEL H. SIMON
United States District Judge

Proposed Order submitted by:
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